



Commonwealth of Massachusetts

**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Tina Brooks, Undersecretary

RELOCATION ASSISTANCE

**TO TENANTS DISPLACED FROM
THEIR DWELLINGS**

UNDER M.G.L. CHAPTER 79A

Bureau of Relocation
100 Cambridge Street, Suite 300
Boston, MA 02114
www.mass.gov/dhcd

Introduction

This Guide describes the relocation payments and assistance provided under Massachusetts General Laws Chapter 79A Relocation Assistance Act (c79A), and the Massachusetts Regulation, 760 CMR 27.00, to eligible tenants (Displacee) displaced from their dwellings as a result of a real estate acquisition by a state, local or private entity (collectively the Displacing Entity) using state or local funds for a project. This also includes any such occupant who moves from real property, or moves personal property, as a direct result of rehabilitation or demolition. If you are notified by a Displacing Entity that you will be displaced, it is important that you **DO NOT MOVE BEFORE** you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

The Bureau of Relocation (BOR), in the Department of Housing and Community Development (DHCD), is the State Agency responsible for ensuring that Displacing Entities provide relocation payments and benefits under c79A. This Guide has been prepared by the BOR.

It is important that you, the Displacee, establish a close working relationship with the Displacing Entity in order to determine your relocation needs, preferences, and to facilitate reimbursement of relocation expenses.

Each Displacee will be contacted and interviewed by the Displacing Entity. During the meeting, the Displacee should inform the Displacing Entity of all relocation needs for a replacement dwelling. Information gathered during the interview is required in order to relocate the Displacee to a replacement dwelling in a timely and least disruptive manner.

Displacees are allowed to continue to occupy the acquired property for a minimum of four (4) months after receiving a Notice to Vacate from the Displacing Entity.

If you have additional questions about your relocation, contact the Bureau of Relocation, at (617) 573-1408.

Please visit the DHCD/Division of Community Services website (click on the Bureau of Relocation link) for additional information: **www.mass.gov/dhcd**.

Summary of Relocation Assistance

As an eligible Displacee, you will be offered the following assistance:

Advisory Services. This includes referrals to comparable replacement dwellings, the inspection of replacement housing to ensure that it meets established standards, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move.

Payment for Moving Expenses. You must choose one of the following:

- Payment for Your Actual Reasonable Moving and Related Expenses
- A Fixed Moving Payment
- A combination of both, based on circumstances

Replacement Housing Payment. To enable you to rent, or if you prefer, buy a comparable or suitable replacement dwelling, you may choose either:

- Rental Assistance
- Purchase Assistance

If you disagree with the Displacing Entity's regarding your eligibility for relocation assistance, you may appeal that decision.

Frequently Asked Questions

How will I know if I am eligible for relocation assistance?

You should receive a written notice from the Displacing Entity explaining your eligibility for relocation assistance. *You should not move before receiving this notice.* If you do, you may not receive relocation assistance.

How will the Displacing Entity know how much help I need?

You will be contacted at an early date and personally interviewed by a representative of the Displacing Entity to determine your relocation needs and preferences for replacement housing and advisory services. You will be asked questions about you and other members of your household, including questions about your income. It is to your advantage to provide the information so the Displacing Entity can assist you in moving with a minimum of hardship. The information you give will be kept confidential.

How soon will I have to move?

To the extent possible, a mutually agreeable date for your move will be worked out. You will be given enough time to make plans for moving. Unless there is a health or safety emergency, you will not be required to move without a minimum of four (4) months advance written notice of: (1) at least one “comparable replacement” home that is available to you; and (2) the earliest date by which you must move.

What is a comparable replacement dwelling?

A comparable replacement dwelling is:

- Decent, safe, and sanitary.
- Functionally equivalent to your present dwelling.
- Actually available for you to buy or rent.
- Affordable.
- Reasonably accessible to your place of employment.
- Generally as well located with respect to public and commercial facilities, such as schools and shopping, as your present home.
- Not subject to unreasonable adverse environmental conditions.
- Available to all persons regardless of race, color, religion, sex, or national origin.

What is decent, safe, and sanitary housing?

Decent, safe, and sanitary housing is housing that:

- Meets local housing and occupancy requirements.

Additionally, it is housing that:

- Is structurally sound, weather tight, and in good repair.
- Contains a safe, adequate electrical wiring system.
- Has adequate living space for the occupants.

- Has a kitchen with a sink, hot and cold running water, and connections for a stove and refrigerator.
- Has a separate, complete bathroom with hot and cold running water and sewerage system.
- Has heating as required by climatic conditions.
- Has an unobstructed exit to safe, open space at ground level.
- Is free of any barriers that would preclude your reasonable use of the unit, if you are a person with a physical disability.

Will the Displacing Entity help me find a replacement dwelling?

Yes, you will be provided with referrals to comparable replacement dwellings. If possible, you will be referred to at least three (3) comparable replacement dwellings. The maximum financial assistance for which you may qualify will be based on the cost of the most representative comparable replacement dwelling currently available on the real estate market.

When the Displacing Entity makes its initial written purchase offer to the property owner for the real estate, it will typically inform you at that time, or shortly thereafter, of your eligibility for relocation assistance, identifying the most comparable replacement dwelling and explaining the maximum amount of relocation assistance available to you.

Once the Displacing Entity has a clear understanding of your needs and preferences, it will work with you to ensure that you are given the best possible choice of housing and offer you transportation to inspect these units.

Let the Displacing Entity know if you would like to move to subsidized housing or obtain a Housing Choice Voucher (HCV). Generally, an eligible displaced person receives preference for such long term housing assistance. You will be given assistance in completing any required application forms.

What if I find my own replacement housing?

You have every right to find your own replacement dwelling. However, before you rent or buy, ask the Displacing Entity to inspect the unit to make sure that it is decent, safe, and sanitary. If the dwelling unit is not decent, safe, and sanitary, you will not receive a replacement housing payment.

What if I encounter a problem in obtaining housing of my choice?

If you encounter a problem in buying or renting housing of your choice, notify the Displacing Entity immediately. The Displacing Entity will look into the matter and try to resolve it. You will receive this help whether you were referred to the housing unit or found it yourself.

If you are unable to buy or rent housing because of discriminatory practices on the part of a real estate broker, rental agent, lender, or a property owner, the Displacing Entity will help you file a formal housing discrimination complaint with the appropriate state or federal local fair housing agency.

What other services will I receive?

In addition to help in obtaining a comparable replacement dwelling, other assistance, as necessary, will be provided in order to minimize the impact of your move. This assistance may include referral to appropriate public and private agencies that provide services concerning housing financing, employment, health, transitional (welfare), or legal assistance. The range of services depends on the needs of the person being displaced. You should ask the Displacing Entity to tell you about the specific services that will be available to help you and your family.

What is a Payment for Actual Reasonable Moving and Related Expenses?

You are entitled to a relocation payment to cover the actual reasonable cost of your move. A claim for payment for Actual Reasonable Moving and Related Expenses includes reasonable costs for:

- Packing, moving and unpacking your household goods.
- Disconnecting and reconnecting household appliances and other personal property (e.g. telephone and cable TV).
- Storage of household goods, as may be necessary.
- Insurance for the replacement value of your property during the move (but not through your neglect) if insurance is not reasonably available.

The Displacing Entity will explain all eligible and ineligible moving costs. You must be able to account for any costs that you incur, so keep all your receipts. Select your mover with care. The Displacing Entity can help you select a reliable and reputable mover.

You may elect to pay your moving costs yourself and be reimbursed by the Displacing Entity or, if you prefer, you may have the Displacing Entity pay the mover. In either case, let the Displacing Entity know before you move.

What is a Fixed Moving Payment?

If you choose a Fixed Moving Payment, you will receive a payment based on the number of rooms of furniture you will be moving, as shown on the Fixed Residential Moving Cost Schedule. The Displacing Entity has a copy of the schedule and will help you decide whether choosing this payment is in your best interest.

If you do not have an unusually large amount of personal property to move and are capable of moving it yourself, this payment could be more advantageous to you. No special documentation is required to support your claim. You need only move your personal property and complete the appropriate claim form in order to receive your payment.

How much Rental Assistance will I receive?

You may be eligible to receive Rental Assistance for a 42-month period. The assistance is computed in the following manner:

The assistance needed for one month is determined by subtracting the “base monthly rent” for your present dwelling from the cost of rent and utilities for your new dwelling (or a comparable replacement dwelling, if that cost is lower). Generally, the base monthly rent for your present dwelling is the lesser of: (1) the monthly rent and average monthly cost for utilities; or (2) thirty (30) percent of your average monthly gross household income, if you are low-income based on HUD income limits. That monthly assistance, if any, is multiplied by 42, to determine the total amount that you will receive. This amount will be paid directly to you. The Displacing Entity must provide the assistance in monthly installments or other periodic payments.

Examples: The monthly rent and average cost for utilities for your present dwelling are \$250; the monthly rent and estimated average utility costs for a comparable replacement dwelling are \$350; and your monthly gross income is \$700. In this case your “base monthly rent” would be \$210 because you are low-income and that amount (30 percent of your income) is less than the monthly cost of rent and utilities at your present dwelling (\$250).

If you rent a replacement dwelling for \$360 per month, including estimated average monthly utility charges, you will receive \$5,880. That amount is 42 times \$140 (the difference between the “base monthly rent” for your present dwelling (\$210) and the cost for a comparable replacement dwelling (\$350)).

If you rent a replacement dwelling for \$310, including estimated average monthly utility charges, you will receive \$4,200. That amount is 42 times \$100 (the difference between the “base monthly rent” for your present dwelling (\$210) and the actual cost of your new dwelling (\$310)).

To qualify for rental assistance, you must rent and occupy a decent, safe, and sanitary dwelling within one (1) year after the date you move. However, the Displacing Entity will extend this period for good cause.

If I decide to buy, rather than rent, how much assistance will I receive?

If you buy a replacement dwelling, you may be eligible for assistance to make a down payment equal to the amount you would receive if you rented a comparable replacement dwelling (i.e., 42 times the amount obtained by subtracting the “base monthly rent” for your present dwelling from the monthly rent and estimated average monthly utility costs for a comparable replacement dwelling). A down payment assistance payment will be paid in a lump sum.

Example: Assuming the information in the prior examples, the down payment assistance payment would be \$5,880. That amount is 42 times \$140 (the difference between the “base monthly rent” for your present dwelling (\$210) and the monthly rent and estimated average monthly utilities cost for a comparable replacement dwelling (\$350). The full amount of the payment must be applied to the purchase of the replacement dwelling.

Must I file a claim to obtain a relocation payment?

Yes. You must file a claim for each relocation payment. The Displacing Entity will provide you with the required claim forms, help you to complete them, and explain the type of documentation, if any, that you must submit in order to receive your relocation payment.

If you must pay any relocation expenses before you move (e.g., a security deposit when you sign a lease for your new home), discuss your financial needs with the Displacing Entity. You may be able to obtain an advance payment to meet these costs.

You must file your claim within 18 months after the date you move. However, the sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, ask the Displacing Entity to extend this period.

Be careful not to confuse this 18-month period with the 12-month period within which you must rent (or buy) and occupy a replacement dwelling in order to be eligible for a replacement housing payment.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified in writing of the problem and the action you should take to resolve the matter.

Will I have to pay rent to the agency before I move?

If the Displacing Entity acquires the property in which you live, you may be required to pay a fair rent to the Displacing Entity for the period between the acquisition of the property and the date that you move. Such rent will not exceed your current rent.

What if I don't receive the required assistance? Can I appeal?

If you disagree with the Displacing Entity's decision as to your right to relocation assistance or the amount of a payment, or the adequacy of the housing to which you have been referred, you may appeal the decision to the Displacing Entity.

The Displacing Entity will inform you of its appeal process. You will have a minimum of 60 days to file your appeal with the Displacing Entity. Your appeal must be in writing.

If you are not satisfied with the Displacing Entity's final decision on your appeal, you may request an administrative review of that decision by writing to:

Bureau of Relocation
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114
Attention: Cindy Zabriskie, Director

If you are not satisfied with the final administrative decision on your appeal, you may seek review of the matter by the Superior Court.

RESIDENTIAL RELOCATION PROCESS FOR OWNERS AND TENANTS

